

STATE OF ILLINOIS  
92ND GENERAL ASSEMBLY  
REGULAR SESSION  
SENATE TRANSCRIPT

85th Legislative Day

April 11, 2002

PRESIDENT PHILIP:

The regular Session of the 92nd General Assembly will please come to order. Will the Members please be at their desks? Will our guests in the galleries please rise? Our prayer today will be given by Dr. Richard Ahlgrim, Berean Baptist Church, Springfield, Illinois. Dr. Ahlgrim.

DR. RICHARD AHLGRIM:

(Prayer by Dr. Richard Ahlgrim)

PRESIDENT PHILIP:

Please remain standing for the -- Pledge of Allegiance. Senator Radogno.

SENATOR RADOGNO:

(Pledge of Allegiance, led by Senator Radogno)

PRESIDENT PHILIP:

Reading of the Journal.

SECRETARY HARRY:

Senate Journal of Wednesday, April 10th, 2002.

PRESIDENT PHILIP:

Senator Jones.

SENATOR W. JONES:

Mr. President, I move the Journal just read by the Secretary be approved, unless some Senator has additions or corrections to offer.

PRESIDENT PHILIP:

Senator Jones moves to approve the Journal just read. There being no objections, so ordered. Committee Reports.

SECRETARY HARRY:

Senator Klemm, Chair of the Committee on Executive, reports House Bill 173 Do Pass, as Amended; Senate Resolution 164 Be Adopted; Senate Resolution 346 Be Adopted, as Amended; Senate Joint Resolutions 56 and 63 Be Adopted; and Senate Amendment 1 to Senate Bill 2313 Be Adopted.

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Senator Lauzen, Chair of the Committee on Commerce and Industry, reports House Bill 4044 Do Pass.

PRESIDENT PHILIP:

Messages from the House.

SECRETARY HARRY:

A Message from the House by Mr. Rossi, Clerk.

Mr. President - I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to wit:

Senate Bill 151, with House Amendments 1 and 2.

Passed the House, as amended, April 10th, 2002.

PRESIDENT PHILIP:

The Illinois Information Service has asked permission to film today. Is leave granted? Leave is granted. Resolutions.

SECRETARY HARRY:

Senate Resolution 390, offered by Senator Clayborne and all Members.

It's a death resolution, Mr. President.

PRESIDENT PHILIP:

Consent Calendar. Senator Demuzio, for what purpose do you rise?

SENATOR DEMUZIO:

Mr. President, let the record reflect that Senator Clayborne is still absent due to his recent surgery.

PRESIDENT PHILIP:

I hope he's doing well. How -- how about a report?

SENATOR DEMUZIO:

Right away. I'll get you one right away.

PRESIDENT PHILIP:

Thank you. The record will so indicate.

PRESIDING OFFICER: (SENATOR KARPIEL)

...to inform the Members that we are going to go to page 7 for

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the order of recall. Senate Bills 3rd Reading for the purpose of a recall. Senator Philip. Senator Philip, on Senate Bill 2313. Do you wish this bill returned to the -- 2nd Reading for purposes of amendment? Senator Philip -- seeks leave of the Body to return Senate Bill 2313 to the Order of 2nd Reading for the purpose of an amendment. Hearing no objection, leave is granted. On the Order of 2nd Reading is Senate Bill 2313. Mr. Secretary, are there any Floor amendments approved for consideration?

SECRETARY HARRY:

Amendment No. 1, offered by Senator Philip.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Philip.

SENATOR PHILIP:

Thank you, Madam President, Ladies and Gentlemen of the Senate. Amendment No. 1 to Senate Bill 2313 would freeze the COLA for one year. It has a savings of 5.6 million dollars, and the members that would be affected would be Members of the General Assembly, judges, State's attorney, elected constitutional officers of State government, and other boards that come under the Compensation Review Board. Move its adoption.

PRESIDING OFFICER: (SENATOR KARPIEL)

Is there any discussion? If not, all those in favor, say Aye. Opposed, Nay. The Ayes have it. The amendment is adopted. Any further Floor amendments approved for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR KARPIEL)

3rd Reading. We will now go to page 9 of your Calendar, to the Order of House Bills 2nd Reading. Page 9. House Bills 2nd Reading. Senator Parker, on House Bill 1495? Read the bill, Mr. Secretary.

SECRETARY HARRY:

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House Bill 1495.

(Secretary reads title of bill)

2nd Reading of the bill. The Committee on Transportation adopted one amendment.

PRESIDING OFFICER: (SENATOR KARPIEL)

Have there been any Floor amendments that have been approved for consideration?

SECRETARY HARRY:

No further amendments reported.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Parker. Oh. 3rd Reading. House Bill 4471. Senator Jacobs? House Bill... Senator Jacobs, on House Bill 4471. Read the bill, Mr. Secretary.

SECRETARY HARRY:

House Bill 4471.

(Secretary reads title of bill)

2nd Reading of the bill. No committee or Floor amendments.

PRESIDING OFFICER: (SENATOR KARPIEL)

3rd Reading. House Bill 5709. Senator Dillard. Out of the record. On page 7 of today's Calendar is the Order of Senate Bills 3rd Reading. We have Senate Bill 2313. Senator Philip. Mr. Secretary, read the bill.

SECRETARY HARRY:

Senate Bill 2313.

(Secretary reads title of bill)

3rd Reading of the bill.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Philip.

SENATOR PHILIP:

Thank you, Madam President, Ladies and Gentlemen of the Senate. Senate Bill 2313, as amendment -- as amended, would freeze the COLA, 3.8-percent COLA, for one year. It would save

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the State approximately 5.6 million dollars. It affects Members of the General Assembly, judges, State's attorney, elected constitutional officers and other heads of departments under the Compensation Review Board. And if you'll -- if -- if you will remember, we do have, to say the least, a hole in the budget. This budget was predicated on a two- or a three-percent increase, which we've had every year. The last time we did not have an increase in the budget was 1955. That's forty-seven years of growth. This year, because of 9/11 - of course, nobody anticipated - we will have less revenues than we did the year before. In fact, it's been forty-seven years of growth, and this year we'll have less money to spend. So it's left us a hole in the budget, and we have a hole of at least nine hundred million dollars. Plus, the House irresponsibly sent over another four hundred million dollars, and now we have a billion three we're behind. And if we're going to ask people to not take a pay increase, to cut some of the budgets, it would just seem to me that we ought to do the same thing and say we are not going to -- because of the financial condition of the State, that we're not going to take the 3.8-percent COLA. Be happy to answer any questions.

PRESIDING OFFICER: (SENATOR KARPIEL)

Any discussion? Senator Bomke.

SENATOR BOMKE:

Thank you, Madam President and Ladies and Gentlemen of the Senate. I applaud Senator Philip. I think that this sends a strong message that the Senate is leading the way to preparing a fiscally prudent budget this year. At a time when State employees are being laid off, it would be unconscionable for us to accept a COLA increase. I have already sent a -- my furlough pay back for one day. I -- regardless of what happens in the -- the House with this bill, in the event that they reject our suggestion, I plan to

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send my pay increase back to the State of Illinois, and I would encourage my colleagues here in the Senate to do the same thing. Thank you.

PRESIDING OFFICER: (SENATOR KARPIEL)

Further discussion? Senator Geo-Karis.

SENATOR GEO-KARIS:

Madam President and Ladies and Gentlemen of the Senate, I concur with the remarks of Senator Philip and Senator Bomke. And at this time when we can't fund Medicare and what have you, the necessary social services, because we're so low in our budget -- we know we have about -- over a billion dollars down in our budget, and yet, we cannot consciously ask for ourselves. And it's time that we take the road first and show that we're sincere and take the freeze on the COLA so that we don't get anything more. And I'm telling you right now, if we want others to follow our examples, we have to be the ones. And I, too, have sent in my full day of pay, but I'll do more if it's necessary, anything to keep this State solvent and the people with the need of services getting them.

PRESIDING OFFICER: (SENATOR KARPIEL)

Further discussion? Senator Jones, Emil Jones.

SENATOR E. JONES:

Thank you, Madam President. Will the sponsor yield?

PRESIDING OFFICER: (SENATOR KARPIEL)

He indicates he will.

SENATOR E. JONES:

I asked this question in committee and -- and I still want clarification on it. Other than the COLA for State employees, do any of those employees receive what you call in-step increases if they're Civil Service? Do they receive increases?

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Philip.

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SENATOR PHILIP:

Well, if it's in their agreed-to contract, that is possible. Now, the Governor has said he is freezing all pay increases for anybody under his jurisdiction. Nobody will get a pay raise.

PRESIDING OFFICER: (SENATOR KARPIEL)

...discussion? Senator Demuzio.

SENATOR DEMUZIO:

I'm not quarreling with what we're doing. I just wanted to -- to look -- in the -- in your amendment, Senator Philip, on page 1, when it says - I'm trying to find the line here - line 16: "and certain appointed officers of State government", what -- who are those?

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Philip.

SENATOR PHILIP:

If you would take a little time to look on your desk, there is a list of those. Everybody has it. On the first page, departments, boards and commissions. There's probably ten pages. I don't think I'm going to bore you reading them all. But if you'd take a little time to look at it, you have it on your desk.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Demuzio.

SENATOR DEMUZIO:

We have nothing on our desk. We would be delighted for the information. It would be the first time in ten years we got it. I was just inquiring. And once I get a copy, I'll look at it.

PRESIDING OFFICER: (SENATOR KARPIEL)

Further discussion? Senator Molaro.

SENATOR MOLARO:

Thank you, Madam President. I brought this up in committee, and I don't know if Senator Philip had time to take a look at this and I don't even know if it makes sense. But one of the things

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that we brought up is -- well, we're giving up the three -- three-and-a-half- or three-percent COLA, whatever it may be, and I certainly would suggest that that's a good idea. As a matter of fact, I just signed a slip that would put me on as a cosponsor because I think it does send a good message - Senator Bomke is absolutely right - because I think there's going to be some hard choices the next four or five weeks. The only other thing that I did ask, however, is this. There are going to be Members of the General Assembly, State's attorneys, other people under this particular bill that, unfortunately, won't be coming back here next year - their last date's going to be in January - so they're not going to get the three percent or the three and a half percent, which is fine. Forget the raise. We all got to tighten our belt, and that's the end of it. However, there's some people, also others than just General Assembly Members, that are leaving government, and this three and a half percent -- it's not so much the gesture of giving up - certainly makes sense - but it does affect their pension, because other people, besides ourselves, do leave on final average salary. So, in other words, when you look at it and say, okay, we're going to give up this money, that seems fair to me. When you're saying you're going to give up eighty or seventy percent or seventy-five percent of this for the rest of your life of -- of maybe three thousand, two thousand dollars, that does come out to maybe a thousand, fifteen hundred a year and if you were to pass away, fifty or sixty-five percent of that would go to your spouse. Now, it may not seem like much now and some of us in this room are lucky enough and have the gift that we've made a few dollars in our lives, but there are people that are living on this and this may affect their pension. And I was just wondering if there's a way that we could look into this, and if you ever talk to your colleague -- or, your counterpart in the House and he's gracious enough to go along with this and brings it



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to the Floor, maybe they could look at the fact of where it can be considered as salary but nobody gets it. Sort of like what Senator Bomke did with his furlough. You give it back, but yet it's part of your salary, just like we protected some State workers and their pensions when -- if they have to take off a week or two. And I was just wondering if you could look into that.

PRESIDING OFFICER: (SENATOR KARPIEL)

Further discussion? If not, Senator Philip, to close.

SENATOR PHILIP:

Senator Molaro, I -- I agree with you. We're sensitive to that problem, but we haven't figured out a way to solve it, quite frankly. Now, maybe there's a way to solve it. We certainly would revisit that question, and I tend to agree with you. And let me remind you, out in the real world, almost every major corporation has laid people off, has cut their budget back, have given out no dividends to speak of or bonuses, and out in the real world, they're tightening their belt. We ought to do the same thing here in the General Assembly, and we ought to lead the charge. We should be the leader and to say we're not taking our cost of living. So, I'd like to see a lot of green votes up there.

PRESIDING OFFICER: (SENATOR KARPIEL)

The question is, shall Senate Bill 2313 pass. Those in favor will vote Aye. Opposed, vote Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On this question, there are -- excuse me, 57 voting Aye, none voting Nay, none voting Present. And Senate Bill 2313, having received the required constitutional majority, is declared passed. Supplemental Calendar No. 1 has been distributed. And, Senator Demuzio, you should have it on your desk. And on the Order of Secretary's Desk, Resolutions is Senate Joint Resolution 63. Senator Rauschenberger. Read the resolution, Mr. Secretary.

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SECRETARY HARRY:

Senate Joint Resolution 63, offered by Senator Rauschenberger and others.

There are no amendments to the resolution, Madam President.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

Thank you, Madam President, Ladies and Gentlemen of the Senate. This year's Compensation Review Report did not recommend any changes in remuneration for the General Assembly Members; however, it did recommend some rebalancing of judicial salaries. Given the situation we're in financially, I think it's very prudent for us to say this is work for next year, after we know the -- the real dimensions of the economic situation. I'd appreciate the support of the Body in rejecting the Compensation Review Report and sending this over to the House.

PRESIDING OFFICER: (SENATOR KARPIEL)

Any discussion? Senator Cullerton.

SENATOR CULLERTON:

Thank you, Madam President, Members of the Senate. Senator Rauschenberger, the Compensation Review Board also made -- Senator Rauschenberger, the Compensation Review Board also made a recommendation that had no fiscal impact, and that was to change the year in which the reports are filed. My understanding is that we could accept that, in part, and reject the -- the judges' pay raise. Is the reason why you didn't do that is 'cause you don't agree with the Compensation Review's recommendation about changing the -- the year in which they file the report, or is it just that you didn't think of it?

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

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To the best of my understanding, I think that would require statutory action by the General Assembly, and what's more, I think that really should have a -- a protracted and extended debate when all of us have some real time to -- to think about whether we want to change the timing of the Compensation Review panel. I don't -- I didn't see it as material to the resolution.

PRESIDING OFFICER: (SENATOR KARPIEL)

Further discussion? Senator Obama.

SENATOR OBAMA:

Thank you, Madam President, Ladies and Gentlemen of the Senate. Will the sponsor yield for a question?

PRESIDING OFFICER: (SENATOR KARPIEL)

He indicates he will.

SENATOR OBAMA:

Senator Rauschenberger, I think Senator Philip's bill, which everybody supported, I think made a lot of sense because it sent a strong, symbolic message that if we're asking for some small, modest sacrifices from other people, then we need to be asking them from ourselves. But, you know, when it comes to the Judiciary, I guess I'm concerned that relative to the pay of other attorneys, the Judiciary we've had some problems catching up and attracting talent into the Judiciary. And I'm just wondering, on this particular bill, do we have an estimate in terms of what the cost savings would be as a consequence of the Judiciary foregoing recommended pay raises?

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Rauschenberger.

SENATOR RAUSCHENBERGER:

The -- the fiscal impact of this is approximately five million dollars in direct salaries. That doesn't include our increased liability on the pension system. And although I know there are people who think that we're -- our judicial salaries are

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insufficient and who are concerned about finding willing and able candidates, it's been my personal experience and I think the experience of many, many parts of the State that we do not have a big problem attracting qualified jurists. We may have some problems, I think, in the City of Chicago that I recognize, but we may have to deal with that at some point, I think, by indexing rather than -- I mean, in some cases, these salaries are substantially more than anyone else makes in downstate counties in downstate circuits. So, I -- I realize the Compensation Review panel was trying to address what they perceive as a need. We may not have given them the appropriate tools to deal with it. So, respectfully, I -- I understand where you're coming from but think this is still the right thing to do.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Obama. No. Further discussion? If not, Senator Rauschenberger, to close.

SENATOR RAUSCHENBERGER:

I'd appreciate a favorable roll call so we can move forward.

PRESIDING OFFICER: (SENATOR KARPIEL)

All right. Senator Rauschenberger moves the adoption of Senate Joint Resolution 63. Those in favor, say Aye. Opposed, Nay. The Aye -- oh. I think those in favor should vote Aye. Opposed, Nay. The voting is open. Have all voted who wish? Have all voted who wish? Have all voted who wish? Take the record, Mr. Secretary. On that question, there are 55 voting Aye, none voting Nay, none voting Present. And Senate Joint Resolution 63, having received the required votes, is declared passed. Senator Roskam, for what purpose do you rise?

SENATOR ROSKAM:

Point of personal privilege.

PRESIDING OFFICER: (SENATOR KARPIEL)

State your point.

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SENATOR ROSKAM:

Madam President and Members of the Senate, I'd like to point out friends in the gallery today who are here from Senator Karpiel's district. That's the Glenbard North High School government class, led by Jim Roberts, who's my buddy from seventh grade, and Erica Bray-Parker. And they're here to follow the life of a Senator, Senator Karpiel, and I think it's going to be a made-for-TV movie and we look forward to seeing that soon.

PRESIDING OFFICER: (SENATOR KARPIEL)

Thank you, Senator Roskam. Will they please stand and be recognized and -- and greeted by the Senate? Senator Shaw, for what purpose do you rise?

SENATOR SHAW:

Personal privilege, Madam President.

PRESIDING OFFICER: (SENATOR KARPIEL)

State -- state your point.

SENATOR SHAW:

We have -- we have been joined on the Floor by the Chancellor of the Chicago City Colleges, Chancellor Wayne Watson, at my desk here. Give him a...

PRESIDING OFFICER: (SENATOR KARPIEL)

Will we -- welcome...

SENATOR SHAW:

...warm welcome here this morning.

PRESIDING OFFICER: (SENATOR KARPIEL)

Welcome to Springfield. Senator Sieben, for what purpose do you rise?

SENATOR SIEBEN:

Point of personal privilege.

PRESIDING OFFICER: (SENATOR KARPIEL)

State your point.

SENATOR SIEBEN:

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Thank you very much, Madam President. Ladies and Gentlemen of the Senate, I want to thank the Members for their support Tuesday night at the Sportsmen's Caucus. We had our most successful auction yet in the seven years that we've been doing this, and the silent and live auction generated a little over fourteen thousand dollars to go to Department of Natural Resources to help with youth hunts around the State. So, thank you for your support of the annual Sportsmen's Caucus and our auction. Thank you.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Shadid, for what purpose do you rise?

SENATOR SHADID:

Point of personal privilege, Madam President. On the...

PRESIDING OFFICER: (SENATOR KARPIEL)

State your point.

SENATOR SHADID:

On the resolution, SJR 63, I was in the...

PRESIDING OFFICER: (SENATOR KARPIEL)

In the back?

SENATOR SHADID:

...off the Floor. Would you see that the record shows I wanted to vote Yes on that?

PRESIDING OFFICER: (SENATOR KARPIEL)

The record will show that.

SENATOR SHADID:

Thank you.

PRESIDING OFFICER: (SENATOR KARPIEL)

Resolutions.

SECRETARY HARRY:

Senate Resolution 391, offered by Senator Roskam.  
It's a death resolution, Madam President.

PRESIDING OFFICER: (SENATOR KARPIEL)

Consent Calendar.

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SECRETARY HARRY:

Senate Resolution 392, offered by Senator Hendon.

It's substantive.

PRESIDING OFFICER: (SENATOR KARPIEL)

We'll now proceed to the Order of Resolutions Consent Calendar. With leave of the Body, all those read in today will be added to the Consent Calendar. Mr. Secretary, have there been any -- any objections filed to any resolution on the Consent Calendar?

SECRETARY HARRY:

No objections have been filed, Madam President.

PRESIDING OFFICER: (SENATOR KARPIEL)

If not, the question is, shall the resolutions on the Consent Calendar be adopted. All those in favor, say Aye. Opposed, Nay. The motion carries, and the resolutions are adopted. Resolutions.

SECRETARY HARRY:

Senate Joint Resolution 68, offered by Senator Weaver.

(Secretary reads SJR No. 68)

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Weaver moves to suspend the rules for the purpose of the immediate consideration and adoption of Senate Joint Resolution 68. Those in favor will say Aye. Opposed, Nay. The Ayes have it. The rules are suspended. Senator Weaver has moved for the adoption of Senate Joint Resolution 68. Those in favor, say Aye. Opposed, Nay. The Ayes have it, and the resolution is adopted. House Bills 1st Reading.

ACTING SECRETARY HAWKER:

House Bill 1306, offered by Senator Cronin.

(Secretary reads title of bill)

House Bill 3744, offered by Senator Roskam.

(Secretary reads title of bill)

House Bill 4078, offered by Senator Roskam.

(Secretary reads title of bill)

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House Bill 4354, offered by Senator Jacobs.

(Secretary reads title of bill)

House Bill 4425 {sic} (4429), offered by Senator Thomas Walsh.

(Secretary reads title of bill)

House Bill 4588, offered by Senator Thomas Walsh.

(Secretary reads title of bill)

House Bill 4725, offered by Senator Emil Jones.

(Secretary reads title of bill)

House Bill 4830, offered by Senator Cronin.

(Secretary reads title of bill)

House Bill 4999, offered by Senator Obama.

(Secretary reads title of bill)

House Bill 5002, offered by Senator Cronin.

(Secretary reads title of bill)

House Bill 5079, offered by Senator Syverson.

(Secretary reads title of bill)

House Bill 5231, offered by Senator Parker.

(Secretary reads title of bill)

House Bill 5325, offered by Senator Syverson.

(Secretary reads title of bill)

House Bill 5596, offered by Senator Watson.

(Secretary reads title of bill)

House Bill 5839, offered by Senator Thomas Walsh.

(Secretary reads title of bill)

House Bill 5851, offered by Senator Sullivan.

(Secretary reads title of bill)

And House Bill 5906, offered by Senator Geo-Karis.

(Secretary reads title of bill)

1st Reading of the bills.

PRESIDING OFFICER: (SENATOR KARPIEL)

Senator Burzynski, for what purpose do you rise?

SENATOR BURZYNSKI:



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Thank you, Madam President. Point of personal privilege.

PRESIDING OFFICER: (SENATOR KARPIEL)

State your point.

SENATOR BURZYNSKI:

I'd like to introduce in the gallery a group of young ladies that are here today with their teacher from St. Charles High School, which I believe is in your district.

PRESIDING OFFICER: (SENATOR KARPIEL)

Yes, it is.

SENATOR BURZYNSKI:

And this is Nancy Kroll, who is one of my constituents, as well as these young ladies who are here relative to career in technical education. I'd like for them to stand and be recognized and added to your made-for-TV movie.

PRESIDING OFFICER: (SENATOR KARPIEL)

Welcome to Springfield. Is there any further business to come before the Senate? If not, pursuant to the adjournment resolution, Senator Noland moves the Senate stands adjourned until the hour of noon, on Tuesday, April 16th, 2002.